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REMARKS

The Office Action on page 2 stated that although similar art is used in the current rejection, the Examiner notes that substantial changes have been made to the interpretation of claim language and most identifiable is the interpretation of the claims being drawn to a system rather than a single device. The applicants respectfully request an explanation for the basis on which such a new interpretation to the claims after three prior Office Actions was made to claim 1.

Courts have stated that: Consistent with the well-established axiom in patent law that a patentee or applicant is free to be his or her own lexicographer, a patentee or applicant may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings if the written description clearly redefines the terms. See, e.g., *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999) ("While we have held many times that a patentee can act as his own lexicographer to specifically define terms of a claim contrary to their ordinary meaning," in such a situation the written description must clearly redefine a claim term "so as to put a reasonable competitor or one reasonably skilled in the art on notice that the patentee intended to so redefine that claim term."); *Hormone Research Foundation Inc. v. Genentech Inc.*, 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990). See also MPEP 2173 (a).

Applicant Deshmukh called on Examiner Fidler on September 18, 2007 to express concern about the introduction of new matter since there is no support for the suggested term "system" in the specification. New claim 23 has been added for the Examiner's kind consideration. Support can be found in the current claim 1.

Claim 21 was objected to for lack of proper antecedence. Since claim 21 is being amended now to depend from claim 9, it is respectfully submitted that there is now proper antecedence.

The rejection of claims 1-2, 4-6 and 8-22 under 35 U.S.C. § 103(a) as being unpatentable over US publication US 2004/0085565 to Owen et al.

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(hereafter Owen) in view of US 6,155,664 to Cook (hereafter Cook) is respectfully traversed for the following reasons:

Unlike the present invention, there is no teaching or suggestion in Owen of a client computer in communication with a host computer. The host computer as claimed herein is a computer under the control of a manufacturer of the dispensable compositions. Server 110 in Figure 1 of Owen is a conventional server. It is not a manufacturer's computer, which is not controlled by the user's computer. This distinction is very important and needs to be appreciated since, as stated in paragraphs 54 and 55 on pages 14 and 15 of the specification, it helps in eliminating the dispensing of poor quality substitute compositions, thereby preventing the production of sub-standard products, such as photographs or printed sheets. The integrity of the quality of the dispensable composition can be maintained by identifying each dispensable composition reservoir with a unique identification number, which can be stored by a dispensable composition manufacturer during the production of the dispensable compositions (becomes part of a stored information). As a result, the manufacturer can generate and maintain complete information, including the quantity contained in the reservoirs. As the contents in the reservoir are consumed, updated information can be transmitted to the manufacturer. Such quality control cannot take place in real time in Owen since Owen does not communicate with the manufacturer of the dispensable composition at all.

As seen from Figs. 1 and 2 and page 15 of the specification, when the user in the current invention inserts one or more new cartridges or reservoirs 32A/B/C in printer 22, interrogator 42A reads the information, such as serial number, on the ID tags 28B and conveys that information to client computer 10, which then communicates that information to host computer 12 of the manufacturer. Host computer 12 then compares the information received to the information stored in its storage medium 18 to ascertain the authenticity of cartridges or reservoirs 32. Host computer 12 then sends a signal to client computer 10 to allow dispensation of the composition via dispensing heads 34.

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Thus, unlike the present invention, there is no teaching or suggestion in Owen of means for dispensing that are in communication with a client computer **and** a host computer. From Fig 1 and 4 of Owen one can readily note that what Owen teaches is a computer, which can be in communication with an internal server. The internal printer logic component 62 and printer memory 54 of printing device 30B in Fig. 4 of Owen are patentably distinct from the currently claimed computer 10 having storage medium 16. One of ordinary skill in the art would not consider these two to be the same. Even Owen teaches away from such an interpretation since Fig. 4 distinguishes between computer 67 and printing device 30B. Thus, it is abundantly clear that there is no teaching or suggestion in Owen of means for dispensing by way of communication with client and host computers.

Unlike the present invention, there is no teaching or suggestion in Owen of means for configuring computer readable program code devices to cause the means (F1) for reading, i.e., interrogators (see current claim 5), to read the current dispensable composition information and to store the current information on the **host computer**, or on the **client computer and the host computer, which is located at manufacturer's place**. Paragraph 39, lines 14-18 in Owen and as seen in Fig. 5 of Owen teach a computer 67 which contains printer drivers 69 that contain replacement component availability modules 266 executed by processors 202. By contrast, as noted on page 7, lines 22-38 and page 8, lines 1-8 of the current specification, the current dispensable composition information can include identity of the dispensable composition, compositional structure of the dispensable composition, price of the dispensable composition contained in the dispensable composition reservoir, serial number of the dispensable composition reservoir, place of manufacture of the dispensable composition, location of the dispensable composition reservoir, date of manufacture of the dispensable composition, date of expiration of the dispensable composition, toxicity information of the dispensable composition, MSDS of the dispensable composition, manufacturer of the dispensable composition and contact information thereof, current quantity of the dispensable composition contained in

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the dispensable composition reservoir; or a combination thereof. No such current information is contemplated by Owen or stored on a host computer or on a client computer and a host computer in Owen.

Unlike the present invention, there is no teaching or suggestion in Owen of means for configuring computer readable program code devices to cause the means for dispensing (F2) to terminate dispensing the dispensable compositions if the current information does not match with stored dispensable composition information of the dispensable compositions stored on the host computer, or on the client computer and the host computer. Thus, it is not seen why one of ordinary skill in the art would pick and choose from Owen to arrive at the presently claimed invention absent any suggestion.

Unlike the present invention, there is no teaching or suggestion in Owen of means (F3) for configuring computer readable program code devices to cause the means for dispensing to dispense the dispensable compositions in accordance with a dispensing program if the current information matches with the stored dispensable composition information.

Unlike the present invention, there is no teaching or suggestion in Owen of means (F4) for configuring computer readable program code devices to cause the host computer to generate the updated dispensable composition information of said dispensable compositions.

Unlike the present invention, there is no teaching or suggestion in Owen of means for configuring (F5) computer readable program code devices to cause the means for writing to write the updated dispensable composition information to the identification tags and to store the updated information on the **host computer located at manufacturer's place**, or on the **client computer and the host computer**.

As noted in the current specification, it is central to the current invention that a host computer and client computer communicate with the means for dispensing. Owen fails to teach such a connection nor would it occur to one of ordinary skill in the art to arrive at the current invention in view of Owen. As noted on page 11, line 37 to page 12, line 8, the manufacturer can keep track in

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real time of consumption of the composition by the customer and augment the supply of composition using "just-in-time" processes just before the composition is depleted. As a result, the customer can receive the supply without going through a cumbersome order and supply process. Moreover, if desired, the manufacturer can bill the customer only for the quantities consumed, thus saving the customer costs associated with ordering and maintaining large inventories of dispensable compositions on the premises. Finally, since the manufacturer can keep track of various dispensable compositions being consumed on a real time basis, possibly all over the country or world, the manufacturer can realistically forecast the manufacture of the dispensable compositions on a longer term basis. There is no such teaching or suggestion in Owen, absent which one of ordinary skill in the art would not arrive at the present invention.

The Office Action admitted that Owen does not expressly teach terminating dispensation of the dispensable composition if the current composition information does not match with the stored composition information. The reason would be clear to one of ordinary skill in the art, as previously noted: there is no host computer in Owen. All Owen teaches is a computer that communicates with a printer. The Office Action further states that Cook teaches means 6F2 and 6F3 of the present invention. The foregoing remark is respectfully traversed in view of the following remarks:

Cook, as noted in its Abstract, teaches means for determining compatibility between the ink contained in a print head cartridge and the one contained in a remote ink cartridge, and in the absence of a match, stopping print operation if there is incompatibility between these two kinds of inks (Cook at column 10, lines 46-52). No such system is used in the current process nor would one of ordinary skill in the art arrive at the current invention from the teachings in Cook as applied to Owen. Moreover, even if one were to combine the teachings in Cook with those in Owen, one of ordinary skill in the art would not arrive at the presently claimed invention. The analysis of compatibility or lack thereof in Cook is done at site and no information is conveyed to the manufacturer. Cook does not teach getting approval from the manufacturer

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when a new cartridge or reservoir is installed by the user. As a result, there is no real-time feed back and approval by the manufacturer that will permit the user to dispense the composition. Thus, the means (F2) and (F3) are neither taught nor rendered obvious by the combination of teachings in Owen and Cook.

Owen in paragraph 31 on page 4 discloses a passive RFID tag. Owen does not disclose the use of an active RFID tag, which was claimed in current claim 6.

Owen, paragraph 18 on page 2, discloses the use of toner, which is typically used in photocopying machines, such as those supplied by Xerox Corporation. It is not an electrically conductive ink, such as that disclosed on page 14, lines 9-11 of the current specification that can be used to produce printed circuit boards, such as RFID tags. Thus it is not seen why claim 8 would be obvious over Owen.

There is no teaching anywhere in Owen or all the secondary references taken alone or in combination with Owen of the client computer in communication with the host computer of the manufacturer of the dispensable compositions.

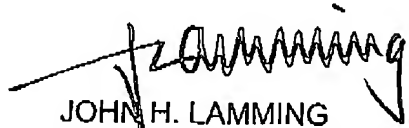
Applicants believe that the fee established in 37 C.F.R. §1.17(a)(3) for extending the time to reply to the Office Action as provided in 37 C.F.R. §1.136(a)(2), namely the fee to extend the time to file within the three months after the end of the shortened statutory period, is due with submission of this paper. Please charge said fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company). Should an additional fee, not accounted for herein, also be due, please charge such fee to the same Deposit Account.

Should the Examiner wish to discuss any issues involved in this application, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Lamming", with a long horizontal stroke extending to the left.

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Dated: September 19, 2007